

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION**

NOORALI "SAM" SAVANI, individually)
and on behalf of others similarly situated,)
) Civil Action No.: 1:06-cv-02805-JMC
Plaintiff,)
v.)
)
URS PROFESSIONAL SOLUTIONS,)
LLC, *et al.*,)
)
Defendants,)

)

**ORDER GRANTING IN PART DEFENDANTS' MOTION TO STRIKE
PLAINTIFFS' EXPERT REPORT OF MARSHA SHELBURN**

UPON CONSIDERATION OF Defendants URS Professional Solutions, LLC *et al.* ("Defendants") Motion to Strike Plaintiffs' Expert Report of Marsha Shelburn ("Motion") and the entire record in this case, it is this 19th day of November, 2013 ordered and, by and with the consent of counsel this Court finds and concludes:

Plaintiff's Expert Marsha Shelburn has opined on three areas of damages:

- (1) the value of supplemental benefits currently owed to certain members of the Class (both the Primary Class and the Subclass) who are currently eligible under the terms of Section 4.12(a) of the Plan;
- (2) the present value of future supplemental benefits that may be paid to such Class members as a result of reinstatement of Section 4.12(a) in the Plan; and
- (3) the expected value of the "lost opportunity" to elect early retirement for those Class members who are not owed any benefits under Section 4.12(a) because they did not elect early retirement from active service or have not done so yet.

With regard to the benefits currently owed Class members (both members of the Primary Class and the Subclass), the Parties are in agreement as to those damage amounts and, therefore, the expert opinion is unnecessary. Accordingly the Parties agree that Ms. Shelburn's Report and all exhibits relating to those opinions may be stricken.

With regard to the present value of future supplemental benefits, the Parties are in agreement that those future supplemental benefits are not currently owed. Such present value of future supplemental benefits may, however, be relevant to this Court's evaluation of Class Counsel's request for attorney fees. By agreement of the Parties, Defendants' Motion to Strike is denied with regard to those limited opinions regarding the present value of future supplemental benefits, and Ms. Shelburn's Report may be used solely for the limited purpose of evaluating Class Counsel's request for attorney fees.

With regard to Ms. Shelburn's opinions regarding the expected value of "lost opportunity" to elect early retirement for those Class members who are not owed any benefits under Section 4.12(a), Plaintiffs have withdrawn their Motion to Amend to assert claims in this regard (Doc. No. 251) and any such claims remain outside the scope of the claims adjudicated herein. According, Defendants' Motion to Strike regarding those opinions is granted.

IT IS SO ORDERED.



United States District Judge

November 19, 2013
Greenville, South Carolina